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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,341	10/01/2003	Hidehiko Kameyama	8031-1029	3793

466 7590 03/20/2007
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EXAMINER

DISTEFANO, GREGORY A

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,341

Applicant(s)

KAMEYAMA, HIDEHIKO

Examiner

Gregory A. DiStefano

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/12/2004, 4/27/2005, 9/26/2006.

DETAILED ACTION

1. This action is in response to the application filed on 10/1/2003.
2. Priority of this application has been accepted by the examiner under 35 USC 119 (a-d) for Japanese application 2002-292611.
3. Claims 1-18 have been submitted for examination.

Specification

4. The disclosure is objected to because of the following informalities:
Pg. 4, line 23 reads, "the cellular telephone set as set may further comprise", and should read, "the cellular telephone set may further comprise";
Appropriate correction is required.
5. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Several examples of idiomatic errors are as follows:
Pg.1, lines 13-14 should read, "a cellular telephone set installed **with** a camera";
Pg. 1, lines 17-18 should read, "there are some **with** installed cameras";

Pg. 1, line 25 should read, "like at a bus station or a train station by means of the camera";

Pg. 2, line 4 reads, "by separate several shots," and should read, "by **several separate** shots";

Pg. 2, line 7 should read, "both time-tables are to be stored, **the** number of the";

Pg. 2, line 11 should read, "**an** image pick-up and **a** registering operation";

Pg. 2, line 20 should read, "to make **the** registering operation and reading out";

Pg. 2, lines 24-25 read, "one of the registered images, to repeat reading out operation", and should read, "one of the registered images, **the user has to** repeat **the** reading out operation";

Pg 2, line 27 should read, "**the** number of images".

6. The examiner would like to further suggest to the applicant to correct the spacing of several lines of the specification, as the words of the lines do not seem to be properly spaced apart thus making it difficult to discern one word from the next. Some examples of lines with improperly spaced wording are: (Pg. 1, line 7), (Pg. 1, line 18), (Pg.1, line 22), (Pg. 2, line 11) & (Pg. 2, line 25).

7. The abstract of the disclosure is objected to because of the following informalities:

Line 6 should read, "of **an** image to a memory";

Line 7 should read, "and displayed by **a** CPU";

Line 8 should read, " **the** user is not required **for a** particular operation";

Lines 11-12 read, "if the desired wants to see", and should read, "if the **user** wants to see";

Line 12 should read, "to see **a** necessary image".

Correction is required. See MPEP § 608.01(b).

Claim Objections

8. Claims 1 – 7, 13, 17 & 18 are objected to because of the following informalities:

9. Claims 1 & 6 are objected to because they contain the typographical error "telephon" which should be spelled "telephone".

10. Claims 2-5 & 7 are objected to as being dependent upon an objected to base claim.

11. Claims 7, 13 & 18 recite the limitation "the maximum registration amount" which should be corrected/amended to read, "**a** maximum registration amount".

12. Claim 17 dependent on claim 10, however claim 17 references a program, where claim 10 references an operation. Furthermore claim 17 contains substantially the same limitations as claim 11. The examiner therefore interprets that the dependency of

claim 17 was intended to be that of claim 16 and is read as such for purposes of examination.

13. The examiner would like to further encourage correcting the idiomatic problems that exist throughout the claims. Several examples of these idiomatic problems are:

Claim 2 should read, "further comprises a display control means";

Claim 3 should read, "which further comprises a read-out control means for reading out one of **the** images";

Claim 5 should read, "wherein a size of images registered";

Claim 7 should read, "comprises a means for generating an alarm when a registration amount";

Similar Idiomatic errors exist throughout all of the applicant's claims.

14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 3-5, 10, 12, 14 & 17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

16. Claims 3, 5, 10, 12 recite the limitation "said waiting screen image". There is insufficient antecedent basis for this limitation in the claims. For purposes of examination, this limitation will be read as "**a** waiting screen image".

17. Claim 14 recites the limitation "said picked-up images". There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, the earlier mention of "images" cited in line 17 is interpreted to be "**picked-up** images".

18. Claims 4 & 17 are further rejected as these claims depend on one of the above rejected claim. However correction of above antecedent issues will remove these rejections.

Claim Rejections - 35 USC § 101

19. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20. Claims 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as a program is software per say that is not contained on a medium in which the program may be realized and is therefore not a process, machine, manufacture, or composition of matter. A suggestion to correct this would be to change "a program for" to "a program residing on a computer storage

medium" if enabled by applicant's originally filed specification, which would then be compliant with 35 USC 101.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1, 2, 6, 8, 9, 14 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,633,678), hereinafter Parulski, in view of Lecomte (European Patent Application publication number EP 0 975 132 A1).

23. As per claims 1, 8 & 14 Parulski teaches the following:

a memory means (e.g. Figure 1, #3) for registering images picked-up by said camera, (column 1, lines 32-34), i.e. images are captured by the sensing section 1a in the camera 1, manipulated in the processing section 1b, stored on memory card 3;

a registration control means(e.g. choosing category) for generating an icon (e.g. "tag" icon) indicating that images are registered upon initially recording said picked-up images in said memory means (e.g. "tagging images), displaying the icon on said display portion, and registering subsequently picked-up images in association with said icon (e.g. "tagging" additional images to same category), (column 6, lines 48-51), i.e. when the camera is first turned on, the "tag" icon 52a will be shown only in outline form

(step 60). The inner part of the "tag" icon 52a will fill to indicate when the user has positively selected the tag feature, (column 6, lines 61-63), i.e. when the shutter button 21 is pressed, the selected category (tag) is associated with the digital image data (steps 62, 63). Then the steps 62, 63 are repeated for any additional images in the same category.

However, Parulski does not explicitly teach a system of a "cellular telephone having a camera" as recited by claim 1. Lecomte teaches a system where a digital camera, such as the one taught by Parulski, can be directly attached to a mobile phone by use of a connector means thus making it "a cellular telephone set having a camera". It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the electronic still camera of Parulski with the mobile phone connection means of Lecomte. One skilled in the art would have been motivated to make such a modification because, (Lecomte, abstract), the disadvantages of a fully integrated camera unit and mobile phone can be avoided and the advantages of such a combination can be kept by providing both with connector means for making a disconnectable connection and by using the mobile phone for at least partly controlling the camera unit.

24. Regarding claims 2, 9 & 15, Parulski teaches the modified system of claims 1 & 8 as described above. Parulski further teaches:

a display control means, (e.g. fig. 2, #29) for controlling the display of said icon(e.g. fig. 4, #61) on said display portion, (column 6, lines 49-52), i.e. the inner part of

the "tag" icon 52a will fill to indicate when the user has positively selected the tag feature by activation of the user control switches 29.

25. Regarding claim 6, Parulski teaches the modified system of claim 1 as described above. Parulski further teaches:

said memory has a fixed capacity, (column 4, lines 5-8), i.e. the digital image data is applied to an image buffer 18 for storing one or more images, albeit shown in Fig. 2 as a random access memory (RAM) with storage capacity for a plurality of still images.

26. Claims 3-5, 10-12, 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Lecomte as applied to claims 1, 2, 6, 8, 9, 14 & 15 above, and in further view of Anderson (US 6,538,698 B1).

27. Regarding claims 3, 10 & 16, Parulski teaches the modified system of claims 2, 9 & 15 as described above. However Parulski does not explicitly teach the system of selecting icons to display images as recited in claims 3, 10 & 16. Anderson teaches the following:

a read-out control means for reading out one of the images registered in said memory in response to selecting an operation of said icon to display on a waiting screen image, (column 7, lines 49-55), i.e. when at a desired group, a determination of whether an expansion of the group is performed (step 1033), e.g. by selecting a soft key 416

(Fig. 2A) corresponding to the 'Expand' indicator. When the expand control is selected, all the images in the group may be seen, as shown by the illustration of the user interface in Fig. 11B. The examiner would like to further note as shown in figure 11B, upon expansion of a selected group, the first image is displayed (fig 11b, #704). Furthermore, as per the applicant's use of the term "icon", Anderson discusses that groups are represented by separate, composite images (column 7, lines 25-27) that the examiner finds to be a form of an "icon".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the image grouping display of modified Parulski with that of Anderson. One of ordinary skill in the art would have been motivated to make such modifications because the use of expanding/reducing groups greatly decreases the time needed for a user to locate particular photographs. The examiner would like to further note that Anderson directly references the system of Parulski as per column 1, lines 51-63.

28. Regarding claims 4, 11 & 17, Parulski teaches the modified system of claims 3, 10 & 16 as described above. However Parulski does not explicitly teach the sequential viewing of images as recited in claims 4, 11 & 17. Anderson teaches the following:

said read-out control means sequentially reads out other images registered in said memory to display on said waiting screen image according to cursor operation on said display portion, (column 7, lines 59-64) i.e. if expanded (step 1035), a determination of whether a movement is performed among the images of the group is

made (step 1036). If so, the position shifts forward or backward in accordance with the direction of the movement (step 1038). As per applicant's use of the phrase "cursor operation", Anderson describes that the next or previous image is displayed through the use of the left/right buttons 410a and 410b (column 6, line 64 – column 7, line 2), which the examiner finds to be a form of a "cursor operation".

29. Regarding claims 5 & 12, Parulski teaches the modified system of claims 2 & 9 as described above. However Parulski does not explicitly teach the system of having equal size images both registered in memory and displayed on a waiting screen as recited in claims 5 & 12. Anderson teaches the following:

a size of images registered in said memory is equal to an image size of said waiting screen image, (column 1, lines 31-36), in record mode, the LCD is used as a viewfinder in which the user may view an object or scene before taking a picture. In play mode, the LCD is used as a playback screen for allowing the user to review previously captured images either individually or in arrays of four, nine, or sixteen images. The examiner would like to note that since Anderson teaches a method of displaying an image on the LCD before capturing the image, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the displayed image is of the same size (height, width, etc.) as the image stored in memory.

30. Claims 7, 13 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Lecomte as applied to claims 1, 2, 6, 8, 9, 14 & 15 above, and

further in view of Kuroiwa et al. (Japanese Patent number 09-331495 A), hereinafter Kuroiwa.

31. Regarding claims 7, 13 & 18, Parulski teaches the modified system of claims 1, 8 & 14 as described above. However Parulski does not explicitly teach the system of generating an alarm when a maximum image registration amount has been reached as recited in claim 3. Kuroiwa teaches the following:

a means for generating an alarm when a registration amount in said memory reaches a maximum registration amount of said memory, (title), i.e. information input device e.g. electronic camera equipped with LCD – has control unit that enables storage of information electrical signals in memory corresponding to memory capacity and displays a warning when memory capacity is exceeded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the display means of Parulski with the memory capacity warning of Kuroiwa. One skilled in the art would have been motivated to make such modification as it would be useful to a user to receive notification when a memory has reached it's capacity so that no more pictures may be taken or prevent possible data loss by overwriting of data if more pictures were allowed to be taken.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Uehara (US 5,481,303) teaches a method of monitoring the memory capacity in an electronic still camera and presenting the user with an amount unused and presents different level warnings depending upon that amount.

Dow et al. (US 6,232,973) teaches an appliance and method for navigating among multiple captured images and functional menus.

Miller et al. (US 6,310,648) teaches a user interface for an electronic image viewing apparatus.

Tanaka (US 6,957,040) teaches an image communication system where digital cameras can be connected to cellular telephones.

Whitman (US 2003/0009281) teaches an interactive multimedia tour guide and discusses various methods that images may be navigated on a portable device.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. DiStefano whose telephone number is (571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.A.D
3/7/2007



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